IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESSDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7093 of 2005

Between:

B.V.R.Reddy, S/o.Thimma Reddy,
R/o.H.No.2/118, Thirumala Nagar,
Adoni, Kurnool Dist.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise, Hyderabad.
2 The Deputy Commissioner, Prohibition & Excise, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of Mandamus declaring action of the 1st respondent in not releasing the TATA SUMO bearing No.AP 21 B 6000 to the petitioner by way of interim custody during pendency of the appeal as arbitrary, illegal and consequently direct the respondents to release the TATA SUMO bearing No.AP 21 B 6000 to the petitioner by way of interim custody pending disposal of the appeal before the 1st respondent in the interest of justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The vehicle of the petitioner-TATA SUMO bearing No AP 21 B 6000 was seized while allegedly transporting illicitly distilled liquor. However, during the pendency of the confiscation proceedings, the second respondent released the vehicle towards interim custody on furnishing a bank guarantee worth of Rs.69,000/- by the petitioner, but after due enquiry, the said vehicle was confiscated to the State. The petitioner carried the matter in appeal to the first respondent and along with the appeal, he filed an application seeking interim custody of the vehicle, pending appeal. But the appellate authority has not passed any orders on the said application. Hence the present writ petition.

Having regard to the facts and circumstances of the case, suffice it to close the writ petition with a direction to the respondents to release the vehicle to the petitioner, pending appeal, on the condition of the petitioner depositing Rs.69,000/- as fixed by the Deputy Commissioner, if not already deposited. However, the petitioner shall produce the vehicle as and when required by the authorities concerned and he shall not alienate the said vehicle in the name of others.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 06-04-2005

To

1 The Commissioner of Prohibition & Excise, Hyderabad.

2 The Deputy Commissioner, Prohibition & Excise, Kurnool.

3 Two CCs to GP for Proh. & Excise, High court buildings, Hyderabad.

4 Two CD copies.